

REMARKS

Reconsideration of this application based on the foregoing Amendment and the following Remarks is respectfully requested.

Allowable Subject Matter: Claims 9-14

The applicant notes that the Examiner has objected to claims 9-14 as containing allowable subject matter but depend from a rejected base claim.

Claims 9-14 would be allowable if rewritten into independent form including all of the limitations of the base claim and any intervening claims.

Objection: Title

The Examiner objects to the title as not being descriptive. The Examiner is requiring a new title that is clearly indicative of the invention to which the claims are directed.

In response, the applicant has amended the title as follows:

MAGNETIC HEAD POSITIONING MECHANISM
WITH LONGITUDINAL PIEZO-ELECTRIC ELEMENTS

The title now is directed to the longitudinal piezo-electric elements 16 disclosed in FIG. 2B and pertaining to which claim 1 has been amended as discussed below.

Objections: Claims 5 and 6

The Examiner objects to claims 5 and 6 because lines 12-13 are grammatically confusing. In response, the applicant has amended claims 5 and 6 to

incorporate some minor grammatical changes to claims 5 and 6, the most important of which is to add the limitation "such" as follows:

each of said pair of piezo-electric elements is connected to said magnetic head supporting section and to said actuator spring in a manner such that each of said piezo-electric elements straddles each of said driving voids along both sides of said mounting position of said magnetic head supporting section, and said driving spring section is mounted between said actuator spring and said magnetic head supporting section.

Although not cited by the Examiner, the applicant has made similar amendments to claims 1-4, 7 and 8 to improve the grammatical form. No new matter has been added by any of the amendments to claims 1-8.

35 U.S.C. 112, Second Paragraph Rejection: Claim 3

The Examiner rejects claim 3 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Specifically, the Examiner indicates that in line 5 of claim 3, "said center spring" lacks antecedent basis.

In response, the applicant has amended line 5 of claim 3 to read -- [said] a center spring--, thereby providing proper antecedent basis. No new matter has been added by the amendment to claim 3.

Prior to addressing the rejections over the prior art, the applicant calls to the Examiner's attention that claim 1 has been amended to recite -- said piezo-electric elements along a longitudinal axis is formed in a state being symmetrical right and left and parallel with respect to a longitudinal center axis of said actuator spring--.

Support for the amendment to claim 1 is found in FIG. 2B which discloses that the piezo-electric elements 16 are parallel to the longitudinal centerline axis of the actuator spring 8. Therefore, no new matter has been added by the amendment to claim 1.

35 U.S.C. 102(e) Rejections: Claims 1-8 and 15-16

The Examiner has rejected claims 1-8 and 15-16 under 35 U.S.C. 102(e) as being anticipated by Budde et al (US 6,233,124 B1 - filed May 13, 1999 - issued May 15, 2001).

The Examiner asserts that Budde et al discloses all of the limitations of Claims 1-8 and 15-16, as described in the Office Action. In particular with respect to claim 1, the applicant notes that in FIG. 2 of Budde et al, the piezo-electric elements 32a and 32b are positioned in parallel such that their length is perpendicular to the longitudinal centerline axis of the load beam 34.

In response, the applicant directs the Examiner's attention to the fact that, as discussed previously, claim 1 has been amended to recite -- said piezo-electric elements along a longitudinal axis is formed in a state being symmetrical right and left and parallel with respect to a longitudinal center axis of said actuator spring--.

The applicant maintains that in contrast, as noted above, Budde et al disclose in FIG. 2 that the piezo-electric elements 32a and 32b are positioned in parallel such that their length is perpendicular to the longitudinal centerline axis of the load beam 34.

As a result, Budde et al do not anticipate all of the limitations of claim 1, as amended. Consequently, claims 1-8 and 15-16 patentably distinguish over Budde et al. Therefore, the applicant respectfully requests the Examiner to withdraw the rejection of claims 1-16 as being anticipated by Budde et al.

The foregoing Amendment and Remarks establish the patentable nature of all of the claims in the application, i.e., claims 1-16. No new matter has been added. Wherefore, early and favorable reconsideration and issuance of a Notice of Allowance are respectfully requested.

Respectfully submitted,

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